

EXHIBIT A



Dec 19 2008
4:30PM

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re: Methyl Tertiary Butyl Ether ("MtBE")
Products Liability Litigation

MDL No. 1358
Master File C.A. No.
1:00-1898 (SAS)

This document relates to the following cases:

City of New York v. Amerada Hess Corp., et al.
04 Civ. 3417

EXPERT REPORT OF MARCEL MOREAU

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December 19, 2008

Date

subsurface soils and/or groundwater at the facilities. MtBE was detected in soil or groundwater at 55 percent of the sites. Concentrations in groundwater exceeded 5 ppb at 38 percent of the sites and were greater than 100 ppb at 20 percent of the sites. Although many of the MtBE detections could have been due to prior releases, new leak investigations were initiated at 30 percent of the facilities in the study. Thus, compliance with regulations and the use of relatively modern storage system and leak detection technology designed to contain traditional gasoline was still not sufficient to reliably contain gasoline containing MtBE.

Summary

Leaks from storage systems have long been recognized by petroleum marketers and were considered “inevitable” (“Tank Leaks: Like the Common Cold, Nobody’s Found a Cure,” NPN, January 1979). In 1980, at the time when MtBE began to be blended into gasoline, the petroleum industry was acutely aware of the decrepit nature of the nation’s population of storage systems. Any company that owned substantial numbers of underground petroleum storage systems in the latter part of the twentieth century knew or should have known that these storage systems were common sources of groundwater contamination.

Recognizing this problem, trade press and internal company documents show that major oil companies undertook expensive storage tank upgrading programs in the 1980’s. It was well known in the industry, however, that many other storage tank owners put off upgrading their storage systems until the late 1990’s. Most of these station owners were not aware of the MtBE problem (see Section IV below) and the hazards posed by even small gasoline releases from their storage systems. Thus in the time frame when MtBE was prevalent in the nation’s gasoline supply, the nation’s storage tank population was poorly suited to contain it.

In addition, major oil marketers knew that some storage system upgrading options allowed by regulations were stopgap measures not suited for the level of containment required by MtBE. Major oil marketers were painfully aware that more needed to be done to effectively contain gasoline with MtBE.